

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 201900192	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/04/2019 10:27 PM	Location of Incident: § 87(2)(b) and the 81st Precinct stationhouse	Precinct: 81	18 Mo. SOL 7/4/2020	EO SOL 2/18/2021	
Date/Time CV Reported Sat, 01/05/2019 9:03 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 01/05/2019 9:03 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT John Kountouris	00000	936886	081 PCT
2. POM Sean McDonnell	25832	955162	081 PCT
3. POM Charles Goff	03451	960595	081 PCT
4. SGT Hilton Jeanpierre	01205	941954	081 PCT
5. POM Eric Almeida	00878	963820	081 PCT
6. POM Dylan Mattern	26213	964150	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Job Bellevue	16310	945501	081 PCT
2. POM Andrew Fredrickson	03273	956659	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Sean McDonnell	Discourtesy: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Sean McDonnell spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Sean McDonnell	Force: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Sean McDonnell pointed his gun at § 87(2)(b)	§ 87(2)(b)
C.POM Sean McDonnell	Abuse: On January 4, 2019, Police Officer Sean McDonnell entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D.POM Charles Goff	Abuse: On January 4, 2019, Police Officer Charles Goff entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
E.POM Sean McDonnell	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Sean McDonnell refused to provide his name to § 87(2)(b)	§ 87(2)(b)
F.POM Charles Goff	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Charles Goff refused to provide his name to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G.POM Charles Goff	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Charles Goff refused to provide his shield number to § 87(2)(b)	
H.POM Dylan Mattern	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Dylan Mattern refused to provide his shield number to § 87(2)(b)	
I.POM Sean McDonnell	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Sean McDonnell failed to provide § 87(2)(b) with a business card.	
J.POM Charles Goff	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Charles Goff failed to provide § 87(2)(b) with a business card.	
K.SGT Hilton Jeanpierre	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Sergeant Hilton Jean-Pierre failed to provide § 87(2)(b) with a business card.	
L.POM Dylan Mattern	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Dylan Mattern failed to provide § 87(2)(b) with a business card.	
M.LT John Kountouris	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Lieutenant John Kountouris failed to provide § 87(2)(b) with a business card.	
N.LT John Kountouris	Abuse: On January 4, 2019, at § 87(2)(b) in Brooklyn, Lieutenant John Kountouris seized § 87(2)(b)'s property.	
O.POM Eric Almeida	Abuse: On January 5, 2019, at the 81st Precinct stationhouse in Brooklyn, Police Officer Eric Almeida did not process § 87(2)(b)'s complaint regarding officers.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On January 5, 2019, § 87(2)(b) filed the following complaint via the CCRB's call processing system. On January 6, 2019, § 87(2)(b) mailed a written statement to IAB. On January 30, 2019, IAB received that complaint and generated IAB log 2019-3910. The CCRB received the duplicate complaint from IAB on February 6, 2019.

On January 4, 2019, at approximately 10:27 p.m., § 87(2)(b) was inside his residence with his mother, § 87(2)(b) at § 87(2)(b) apartment four, in Brooklyn when he observed PO Sean McDonnell of the 81st Precinct, standing in the common hallway and looking into the apartment through the open door which had been previously closed. PO McDonnell looked at § 87(2)(b) and allegedly told him to, "Get the fuck down" (**Allegation A: Discourtesy**, § 87(2)(g) and pointed his gun at § 87(2)(b) (**Allegation B: Force**, § 87(2)(g)). PO McDonnell and PO Charles Goff of the 81st Precinct stepped into the apartment (**Allegations C and D: Abuse of Authority**, § 87(2)(g)). Lt. John Kountouris, Sgt. Hilton Jean-Pierre, and PO Dylan Mattern, all from the 81st Precinct, followed inside soon thereafter. § 87(2)(b) asked for the names and shield numbers of PO McDonnell, PO Goff, and Lt. Kountouris. PO McDonnell allegedly refused to provide his name (**Allegation E: Abuse of Authority**, § 87(2)(g)) and PO Goff provided neither his name nor shield number (**Allegations F and G: Abuse of Authority**, § 87(2)(g)). When § 87(2)(b) asked for PO Mattern's shield number, PO Mattern allegedly did not provide it (**Allegation H: Abuse of Authority**, § 87(2)(g)). PO McDonnell, PO Goff, Sgt. Hilton Jean-Pierre, and PO Dylan Mattern left the apartment without providing any business cards to § 87(2)(b) (**Allegations I-L: Abuse of Authority**, § 87(2)(f)). Lt. Kountouris did not provide a business card to § 87(2)(b) but allowed § 87(2)(b) to record his complete information (**Allegation M: Abuse of Authority**, § 87(2)(g)).

Later that day, Lt. Kountouris and Sgt. Jean-Pierre returned to § 87(2)(b)'s residence to seize his firearms and their associated permits (**Allegation N: Abuse of Authority**, § 87(2)(g)).

On January 5, 2019, § 87(2)(b) went to the 81st Precinct stationhouse in Brooklyn with his sister, § 87(2)(b) and her husband, § 87(2)(b) to file a complaint regarding the previous incidents. § 87(2)(b) asked PO Eric Almeida of the 81st Precinct to take his complaint and PO Almeida did not offer to process his complaint at the stationhouse (**Allegation O: Abuse of Authority**, § 87(2)(g)).

§ 87(4-b), § 87(2)(g)

No summonses were issued and no arrests were made regarding this incident.

Video footage from an exterior camera at § 87(2)(b) was obtained via a digital transfer by the building's superintendent (BR 01). No FADOs were depicted.

Findings and Recommendations

Allegation A – Discourtesy: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Sean McDonnell spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that when PO McDonnell ordered him to the ground, he did so by stating, "Get the fuck down" or "Get the fuck on the floor." (BR 02-04).

§ 87(2)(b) stated that she was in her bedroom when she heard a loud verbal argument from the front of the apartment and an unfamiliar male voice shout, "Shut the fuck up" (BR 05-06).

PO McDonnell stated that he never told § 87(2)(b) to “Get the fuck down,” or to “Get the fuck on the floor,” and denied that he or any other officer used the word “fuck” at any point when speaking to § 87(2)(b) (BR 07).

PO Goff, Lt. Kountouris, Sgt. Jean-Pierre, and PO Mattern did not recall PO McDonnell use any profanity (BR 08-11).

§ 87(2)(g)

Allegation B – Force: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Sean McDonnell pointed his gun at § 87(2)(b)

Allegation C – Abuse of Authority: On January 4, 2019, Police Officer Sean McDonnell entered § 87(2)(b) in Brooklyn.

Allegation D – Abuse of Authority: On January 4, 2019, Police Officer Charles Goff entered § 87(2)(b) in Brooklyn.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) a 5’10”-tall black male who weighs 169 pounds who was § 87(2)(b) old at time of the incident, had arrived home from work, wearing a beige blazer over a shirt with black pants and brown shoes, at approximately 9:45 p.m. He took a shower and changed into a black do-rag, a white t-shirt, and boxers. At approximately 10:30 p.m., § 87(2)(b) heard loud knocking on his door. § 87(2)(b) observed that the front door was ajar. § 87(2)(b) was certain that the front door was previously closed but unlocked. He looked in the direction of the door and made eye contact with PO McDonnell through the gap in the doorway. PO McDonnell stated, “That’s him,” and ordered § 87(2)(b) to get down. PO McDonnell kicked the door fully open, pointed his gun at § 87(2)(b) and stepped into the apartment as § 87(2)(b) got on his stomach on the floor. PO McDonnell moved out of view near § 87(2)(b) s feet and PO Goff, Lt. Kountouris, Sgt. Jean-Pierre, and PO Mattern proceeded to enter. When § 87(2)(b) stood up and observed PO McDonnell again, he was no longer holding his firearm.

§ 87(2)(b) stated that she was in her bedroom when she heard a loud verbal argument from the front of the apartment. She walked to the entrance of the apartment and observed § 87(2)(b) face down on the floor by the front door. One officer straddled the threshold of the doorway. § 87(2)(b) asked what was going on and Lt. Kountouris told her that if she allowed officers inside then he would explain the situation. § 87(2)(b) invited Lt. Kountouris inside and he and other officers entered the apartment.

PO McDonnell stated that he and PO Goff were on patrol when they received information over the radio regarding a shot spotter activation at § 87(2)(b) and within a couple of minutes received information about a 911 caller reporting a male firing a gun at § 87(2)(b). As those two addresses are within two blocks of each other, officers believed that they were the same incident. The caller provided the suspect’s description as 5’9”-5’10” light-skinned black male in a red hoodie, black pants, and a black do-rag. During his interview, PO McDonnell believed a direction of flight was also provided but did not recall which direction.

Officers canvassed the area and PO McDonnell observed a 5’10” light-skinned black male in a red hoodie, black pants, black shoes, and a black do-rag walking east down § 87(2)(b) on the corner of Malcolm X Boulevard. As he matched the suspect’s physical and clothing descriptions, PO McDonnell told PO Goff that they should speak with him. They drove around the block to meet him on § 87(2)(b) and they spotted the same individual standing alone

on the stoop of § 87(2)(b). The individual was on his phone. The officers stopped their vehicle in front of the building and observed the individual for 10-30 seconds. Other than matching the suspect's physical and clothing descriptions nearby where and soon after the shots were reported, the officers had no other reasons to believe the individual was carrying a weapon. When PO McDonnell and PO Goff opened their doors to speak with him, the man removed keys from his pocket and turned toward the front door of the building. PO McDonnell and PO Goff ordered him not to move and ran towards the man. The latter proceeded to unlock the door and entered it before closing the door. The officers could not see where he went due to a frosted glass in the door. PO McDonnell and PO Goff called for assistance and banged on the front door to gain into the building.

Additional officers arrived, simultaneous to the superintendent of the building opening the front door and allowing officers including PO McDonnell, PO Goff, Lt. Kountouris, Sgt. Jean-Pierre, and PO Mattern inside. Officers moved up the building floor-by-floor, knocking on apartment doors in a "trial-and-error" method. Officers ascertained that the suspect was not in the apartments on the bottom three floors as residents allowed them inside to check. On the § 87(2)(b) floor, PO McDonnell knocked on a fully-closed front door of the apartment as PO Goff and other officers stood behind him. He announced police presence and commanded that the door be opened. Within a minute, § 87(2)(b) partially opened the door and he wore boxer shorts and a black do-rag. PO McDonnell only saw § 87(2)(b)'s head and part of his body, with one of § 87(2)(b)'s arms unseen behind the door. § 87(2)(b) remained inside the apartment. PO McDonnell pointed his gun at § 87(2)(b) because § 87(2)(b) was a close match to the perpetrator identified in a shots-fired incident in race, gender, and clothing, specifically a do-rag. Additionally, § 87(2)(b) was not showing one arm to police officers. PO McDonnell instructed him to get down on the ground. At this point, PO McDonnell considered the interaction to be a "level three Terry stop," and did not intend to arrest § 87(2)(b). § 87(2)(b) laid down on the floor inside the apartment with his head near the door and PO McDonnell saw his entire body. § 87(2)(b)'s arms were either by his sides or his head. PO McDonnell did not see any weapons or other objects held by § 87(2)(b). PO McDonnell stepped into the apartment and over § 87(2)(b)'s body and situated himself with his legs on either side of § 87(2)(b)'s feet and facing up his body toward his head. PO McDonnell holstered his firearm as PO Goff, Lt. Kountouris, and Sgt. Jean-Pierre joined him inside. PO McDonnell frisked § 87(2)(b)'s waistband with negative results.

§ 87(2)(g)

PO Goff did not recall the color of the suspect's do-rag. The officers never issued any commands to this individual prior to his entering the building. PO Goff entered the apartment after PO McDonnell told him to keep an eye on § 87(2)(b). § 87(2)(b)

Lt. Kountouris was canvassing for the report of shots-fired when PO McDonnell and PO Goff stated over the radio that they located an individual matching the perpetrator's description who fled into § 87(2)(b) and requested additional units. Lt. Kountouris arrived on scene and officers knocked on the front door of the building and a resident allowed them inside. Lt. Kountouris instructed multiple officers to remain outside to ensure the suspect did not leave the area and instructed other officers to conduct a vertical canvass of the building, which only included knocking on doors. Lt. Kountouris went directly to the top floor of the building until he heard PO McDonnell yell from the floor below him, "Get down, get down." Lt. Kountouris went down one flight of stairs and observed § 87(2)(b) lying face down inside the apartment next to

the front door. PO McDonnell and PO Goff were standing inside the doorway of the apartment and told Lt. Kountouris that § 87(2)(b) was the suspect they had initially observed. Lt. Kountouris saw § 87(2)(b) inside the apartment and asked if he could come inside to speak with her. She stated her agreement to this and Lt. Kountouris entered.

Sgt. Jean-Pierre responded to a request for additional units at § 87(2)(b). By the time Sgt. Jean-Pierre arrived on the fourth floor of the building, he observed other officers inside of an apartment, which he did not enter.

PO Mattern responded to the location after PO McDonnell's and PO Goff's call for back-up. He canvassed inside the building with himself and PO McDonnell in front of a group of officers. When officers knocked on apartment four and § 87(2)(b) opened the door, PO McDonnell stated, "That's him," and entered the apartment, followed by PO Mattern and PO Goff. He did not recall any officer ask for consent to enter.

The Event, ICAD #§ 87(2)(b) was generated at 9:55 p.m. with the caller, who requested from the 911 operator to remain anonymous, reporting that they heard three shots at § 87(2)(b) in Brooklyn. The caller then observed a male walking away from that location initially described as wearing a red hoodie (BR 12). At 10:02 p.m., additional information was provided by the caller which described the perpetrator as a black male wearing a red jacket, black sweatpants, and a red jacket who ran through a park west of the incident location. PO McDonnell and PO Goff's identification of a suspect at § 87(2)(b) was generated at 10:27 p.m. (BR 13).

The Event information could not be verified with the associated communications audios as IAB provided a blank CD and did not follow up prior to the six-month expiration window for radio and 911 communications.

A clip from the exterior surveillance footage of § 87(2)(b) shows a difference of three minutes between the suspect's entry and officers' entry into § 87(2)(b). An individual is seen on the stoop of § 87(2)(b) who, when PO McDonnell and PO Goff pull up in their police vehicle, enters the building as soon as the officers exit their vehicle. The two officers run up to the front door and seemingly try to gain entry by knocking and ringing buzzers before PO McDonnell speaks into his radio. Additional officers arrive in approximately two minutes as PO McDonnell and PO Goff remain in front of the building, seemingly continuing to knock and ring buzzers. Less than a minute after additional officers arrive, the door is opened from the inside and PO McDonnell, PO Goff, Lt. Kountouris, Sgt. Jeanpierre, and PO Mattern enter the building with five other officers. (BR 34).

Police officers may display or draw a firearm if there is an articulable belief that the potential for serious physical injury is present and the firearm will be holstered as soon as practicable when the potential for serious physical injury no longer exists (BR 14) (Patrol Guide Procedure 221-01).

Officers armed with probable cause that an individual has committed a crime, but not in possession of a warrant, may not cross the threshold of her home to take her into custody absent exigent circumstances (BR 15) (People v. Mendoza, 49 Misc. 3d 1007 [2015]). When determining if exigent circumstances exist, the following factors are to be considered in their totality: (1) the gravity or violent nature of the alleged offense; (2) whether the suspect is reasonably believed to be armed; (3) a clear showing of probable cause; (4) strong reason to believe that the suspect is in the premises being entered; (5) a likelihood that the suspect will escape if not swiftly apprehended; (6) the peaceful circumstances of the entry (BR 16) (People v. McBride, 14 N.Y. 3d 440 [2010]).

§ 87(2)(g)

PO McDonnell and PO Goff responded to the vicinity of § 87(2)(b) based on reports of a ShotSpotter system and a 911 call in which an unidentified individual reported the sounds of shots fired in the same area. The 911 caller reported that after hearing the alleged gunshots, she observed an individual running across a park and provided the potential perpetrator's direction of flight, as well as partial physical and clothing descriptions. The caller did not see the individual holding a firearm as he ran away from the area. Once PO McDonnell and PO Goff drove near § 87(2)(b) they observed an individual who matched the race, gender and clothing descriptions of person suspected of firing the shots. The officers did not observe this person in possession of a firearm. As the officers exited their vehicle to approach the man, the latter used a key to open the building's entrance door and ran inside. Once the officers reached the stoop, they could not see inside of the building because the frosted glass that covered the entire entrance door.

Several minutes passed between the time the suspect entered building and when PO McDonnell, PO Goff and other responding officers gained access into the building and where able to conduct vertical patrol within the same. The officers knocked on several apartment doors to confirm if the suspect had entered any of these apartments. One of the apartments belonged to § 87(2)(b) who opened his apartment door within thirty seconds of the officers knocking. Once PO McDonnell and PO Goff observed § 87(2)(b) inside his apartment, they identified him as the same individual who ran into the building based on his race, gender and the fact that he was wearing a black do-rag just as the one the suspect had been wearing. § 87(2)(g)

§ 87(2)(g)

Allegation E – Abuse of Authority: On January 4, 2019, at § 87(2)(b)
§ 87(2)(b) in Brooklyn, Police Officer Sean McDonnell refused to provide his name to
§ 87(2)(b)

Allegation F – Abuse of Authority: On January 4, 2019, at § 87(2)(b)
§ 87(2)(b) in Brooklyn, Police Officer Charles Goff refused to provide his name to
§ 87(2)(b)

Allegation G – Abuse of Authority: On January 4, 2019, at § 87(2)(b)
§ 87(2)(b) in Brooklyn, Police Officer Charles Goff refused to provide his shield number
to § 87(2)(b)

Allegation H – Abuse of Authority: On January 4, 2019, at § 87(2)(b)
§ 87(2)(b) in Brooklyn, Police Officer Dylan Mattern refused to provide his shield
number to § 87(2)(b)

§ 87(2)(b) stated that while in his bedroom, he asked PO McDonnell, Lt. Kountouris, and PO Goff for their names and shield numbers. Lt. Kountouris explained that, as a lieutenant, he did not have a shield number and provided his name. PO McDonnell only stated his shield number. PO Goff did not provide his name, only stating that his shield number was “34G0[zero]FF.” § 87(2)(b) believed the number to be irregular but he did not question PO Goff about it as he was more focused on obtaining PO McDonnell’s information. After writing down the information provided by PO McDonnell, PO Goff, and Lt. Kountouris, § 87(2)(b) left his bedroom and asked generally for all the other officers shield numbers. Only one officer, identified by the investigation as PO Mattern, made eye contact and seemed to hear his request. After § 87(2)(b) s general request, Lt. Kountouris instructed PO Mattern and the rest of the officers to leave. The officers left the apartment without providing any additional shield numbers.

§ 87(2)(b) recalled only that § 87(2)(b) asked for PO McDonnell’s name and did not hear if the officer provided it.

PO McDonnell and PO Goff stated that § 87(2)(b) asked for both of their names and shield numbers, both of which they verbally provided. Neither officer recalled § 87(2)(b) asking for PO Mattern’s information.

After Lt. Kountouris spoke with § 87(2)(b) he returned to the front of the apartment where § 87(2)(b) was standing in his bedroom speaking with PO McDonnell and PO Goff. § 87(2)(b) asked for the names of the officers inside his apartment. Lt. Kountouris wrote down his, PO McDonnell’s, PO Goff’s, and Sgt. Jean-Pierre’s names and shield numbers on a piece of paper and handed it to § 87(2)(b). PO McDonnell and PO Goff also verbally provided their names to § 87(2)(b). Lt. Kountouris did not recall § 87(2)(b) asking for any shield numbers. Lt. Kountouris recalled the conversation ending amiably at this point and all officers exited the apartment and the building.

PO Mattern did not recall whether § 87(2)(b) asked for any officers’ names or shield numbers.

Sgt. Jean-Pierre stated that he never entered the apartment but stood in the hallway by the open front door as other officers were inside. He did not recall Lt. Kountouris, PO Goff, or PO Mattern being on scene. He did not recall any civilian ever asking for PO McDonnell’s name.

Those officers that acknowledged having their information requested by § 87(2)(b) testified that they never refused to provide their names or shield numbers, and testified that no other officer refused to provide them either. § 87(2)(b) only recalled that § 87(2)(b) asked for PO McDonnell’s name, and did not recall how the officer responded. Regarding the allegations against PO Goff, § 87(2)(b) was able to record information that closely resembled his name and

included the first two digits of his shield number. § 87(2)(b) testified that he was attempting to record several officers' information before they left his residence while his primary focus was on obtaining PO McDonnell's information. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation I – Abuse of Authority: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Sean McDonnell failed to provide § 87(2)(b) with a business card.

Allegation J – Abuse of Authority: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Charles Goff failed to provide § 87(2)(b) with a business card.

Allegation K – Abuse of Authority: On January 4, 2019, at § 87(2)(b) in Brooklyn, Sergeant Hilton Jean-Pierre failed to provide § 87(2)(b) with a business card.

Allegation L – Abuse of Authority: On January 4, 2019, at § 87(2)(b) in Brooklyn, Police Officer Dylan Mattern failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) stated that he asked all of the officers in his apartment for business cards and that his request was ignored (BR 19).

PO McDonnell stated that after he questioned § 87(2)(b) regarding the shots-fired incident, he, PO Goff, Lt. Kountouris, and Sgt. Jean-Pierre all offered to retrieve their business cards from their respective vehicles parked outside § 87(2)(b)'s home and the latter declined because he did not want officers returning to his home.

PO Goff did not provide a business card to § 87(2)(b) as they were in his vehicle parked outside and he had none on his person. He did not recall § 87(2)(b) ask for any.

Sgt. Jean-Pierre did not recall § 87(2)(b) request any business cards and stated that he never stepped inside of the apartment. and he never observed § 87(2)(b) request any, though he testified that he arrived after officers entered the apartment and remained in the common hallway without having any direct interaction with § 87(2)(b). It should be noted that PO McDonnell, PO Goff, and Lt. Kountouris all testified that Sgt. Jean-Pierre was in the apartment and at least spoke with § 87(2)(b) regarding the reason for their entry.

PO Mattern stated that no officer provided their business card to § 87(2)(b) because to his knowledge, the NYPD did not receive business cards until April 2019, and he did not recall § 87(2)(b) ask for any.

Stop, Question, and Frisk report #§ 87(2)(b) was prepared by PO McDonnell and approved by Sgt. Jean-Pierre (BR 20). The report indicated that § 87(2)(b) was stopped and frisked in the process of a criminal investigation and that a business card was offered to § 87(2)(b) which he refused.

Effective as of October 19, 2018, as specified by the Right to Know Act, a police officer is to offer a business card to a member of the public upon conclusion of certain law enforcement activities including but not limited to noncustodial questioning of individuals suspected of criminal activity, a stop, and a frisk (BR 21). Exceptions to this rule exist when a summons is issued, an arrest is made, or exigent circumstances are present. Officers are to carry an appropriate amount of pre-printed or generic business cards on their person but if they do not have any, they are to verbally offer their name, rank, shield number, and command and allow the member of the public sufficient time to record the information (NYC Administrative Code 14-174).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation M – Abuse of Authority: On January 4, 2019, at § 87(2)(b) in Brooklyn, Lieutenant John Kountouris failed to provide § 87(2)(b) with a business card.

It is undisputed that Lt. Kountouris also did not provide a business card to § 87(2)(b) when requested. § 87(2)(b) was able to record Lt. Kountouris' complete identifying information when the lieutenant verbally provided it.

Lt. Kountouris stated he did not have any business cards since he had not yet ordered any and thus did not provide one to § 87(2)(b) and he did not recall § 87(2)(b) ask for any. He stated he wrote and provided his own information to § 87(2)(b).

Effective as of October 19, 2018, as specified by the Right to Know Act, a police officer is to offer a business card to a member of the public upon conclusion of certain law enforcement activities including but not limited to noncustodial questioning of individuals suspected of criminal activity, a stop, and a frisk. Exceptions to this rule exist when a summons is issued, an arrest is made, or exigent circumstances are present. Officers are to carry an appropriate amount of pre-printed or generic business cards on their person but if they do not have any, they are to verbally offer their name, rank, shield number, and command and allow the member of the public sufficient time to record the information (NYC Administrative Code 14-174).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation N – Abuse of Authority: On January 4, 2019, at § 87(2)(b) in Brooklyn, Lieutenant John Kountouris seized § 87(2)(b)'s property.

§ 87(2)(g)
It is undisputed that after officers had initially left § 87(2)(b)'s apartment, Lt. Kountouris and Sgt. Jean-Pierre returned to confiscate § 87(2)(b)'s two legally registered firearms and their respective licenses.

§ 87(2)(b) stated that the reasons Sgt. Jean-Pierre and Lt. Kountouris gave for confiscating his firearms was that, as he was associated with a crime, it was for safety purposes. At first § 87(2)(b) was resistant but when Lt. Kountouris explained that he could either provide them willingly or the officers could secure a warrant, § 87(2)(b) retrieved a handgun and a shotgun, both in their respective gun lockers with their respective licenses and handed them to the officers.

PO McDonnell and PO Goff testified that after leaving § 87(2)(b)'s apartment, they immediately went to a hospital for an unrelated assignment. While at the hospital, PO McDonnell ran § 87(2)(b)'s name and date of birth, which he had received during his interaction with § 87(2)(b). Through the NYPD DAS database, he found out that § 87(2)(b) had an active pistol permit and a handgun and long rifle registered to him. PO McDonnell texted Lt. Kountouris this information approximately ten minutes after leaving § 87(2)(b)'s residence as it was relevant to the reports of shots fired that was still being investigated. He had no further involvement in the incident after that text message.

Lt. Kountouris stated that he received PO McDonnell's text message while he was at the stationhouse. He verified that the licenses were issued by the NYPD. Lt. Kountouris did not recall any other notable information revealed for § 87(2)(b) including any criminal history or orders

§ 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB to which § 87(2)(b) has been party (BR 29).
- This is the first CCRB to which § 87(2)(b) has been party (BR 30).
- PO McDonnell has been a member of service for six years and has been subject in six other CCRB complaints with 17 allegations with no substantiations (see officer history).

§ 87(2)(g)

- PO Goff has been a member of service for three years and has been subject in one other CCRB complaint with one allegation that is still active (see officer history). § 87(2)(g)
- Lt. Kountouris has been a member of service for 14 years and has been subject in 10 other CCRB complaints with 13 allegations and no substantiations, though three cases with one allegation each are still active (see officer history). § 87(2)(g)
- Sgt. Jean-Pierre has been a member of service for 13 years and has been subject in two other CCRB complaints with two allegations and no substantiations, though one case with two allegations is still active (see officer history). § 87(2)(g)
- PO Mattern has been a member of service for two years and has been subject in one other CCRB complaint with 11 allegations that is still active (see officer history). § 87(2)(g)
- PO Almeida has been a member of service for two years and has been subject in no other CCRB complaints (see officer history). § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On July 18, 2019, the Office of the New York City Comptroller indicated that no Notices of Claim were filed regarding this incident (BR 31).

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 11

Investigator:	_____	<u>Inv. Benjamin Shelton</u>	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	<u>IM Edwin Peña</u>	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date